



**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-58121-2024 (O&M)
Date of decision: 27.02.2025

Jaspal Dass @ Jambo **...Petitioner**

Versus

State of Punjab **...Respondent**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Kirat Pal Dhaliwal, Advocate
for the petitioner.

Ms. Swati Batra, Deputy Advocate General, Punjab.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No. 315 dated 27.06.2024, registered under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') at Police Station City Barnala, District Barnala.
2. Brief facts of the case relevant for the disposal of the present petition are that on 27.06.2024, on the basis of a secret information, co-accused Vakeel Singh, Gurpyar Singh, Munish Kumar and Rohit Kumar were apprehended by a police party headed by SI Manjit Singh from the cotton market and recovery of total 700 loose intoxicant tablets (*Alprazolam*) was effected from them. They were formally arrested at the spot. During the course of investigation, the aforesaid co-accused disclosed that they used to bring intoxicant tablets from the present petitioner as well as from Vivek Kumar @ Dabal Shooter, Jeevan Bisnet @ Nepali, Manpreet Kaur @ Jeeti, Lachmi Kaur and Rani Kaur. On the basis of the same, the petitioner as well as other persons were also nominated in this case. The petitioner was arrested

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on 11.08.2024. After completion of necessary investigation and usual formalities, challan was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offence. He had moved an application for grant of regular bail before the learned trial Court but the same had been dismissed, vide order dated 26.09.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. The petitioner was not found at the spot and has been involved in this case on the basis of the disclosure statements made by the aforesaid co-accused, which is not admissible in evidence. To fortify this argument, learned counsel for the petitioner has relied upon the authority of Hon'ble Supreme Court rendered in *Tofan Singh vs. State of Tamil Nadu : (2021) 4 SCC 1*. Investigation has since been completed and *challan* has been presented. Conclusion of trial is likely to take time. Even otherwise, similarly situated co-accused Vivek Kumar @ Debal Shooter has already been granted concession of regular bail by this Court, vide order dated 18.12.2024 passed in *CRM-M-62712-2024*. On the grounds of parity, the petitioner too deserves to be granted the same benefit. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Punjab has argued that though the petitioner was nominated in this case on the basis of the disclosure suffered by the co-accused but during the course of investigation, his involvement in the subject crime has been duly established. The petitioner had supplied the intoxicant capsules to the aforesaid co-accused, who were arrested at the spot. He is involved in one more case under the NDPS Act.

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Trial is going on at proper pace. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner has been nominated in this case on the basis of the disclosure statements suffered by above named co-accused, who were arrested at the spot on 27.06.2024 and from whose possession; aforesaid quantity of the intoxicant tablets was recovered. The allegation against the petitioner is that he used to supply the intoxicant tablets to the co-accused. The petitioner is in custody since 11.08.2024. Investigation has been concluded and *challan* has been filed. Trial would obviously take time. Similarly situated co-accused Vivek Kumar @ Debal Shooter has already been granted concession of regular bail by this Court, as mentioned above. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

27.02.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No